

COMMITTEE OF ORIGIN: Special Committee on Litigation Reform

This bill allows two or more plaintiffs, in any civil action where there is a count alleging a tort, to join in a single action only if each plaintiff could have separately filed an action in that venue, independent of the claims of any other plaintiff. A plaintiff shall be deemed misjoined if he or she cannot establish proper venue independently. If the plaintiff was first injured outside Missouri, two or more defendants may be joined in a single action if the plaintiff can establish proper venue against each defendant individually. If proper venue cannot be established against a defendant individually, that defendant shall be deemed misjoined. If a plaintiff or defendant is deemed misjoined, the plaintiff or defendant shall be severed from the action and the claims shall be transferred to a county in which venue exists. If no venue in Missouri exists, the claims shall be dismissed without prejudice.

If the defendants to an action that includes a tort count include any individual whose conduct at issue was in the course and scope of employment with a corporation, then venue as to the individual shall be the same as the corporation. The bill also repeals a provision prohibiting orders of dismissal to divest a court of venue if venue was proper at the time the action commenced, as well as a provision requiring a dismissed defendant to remain a party to the action for venue purposes.